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REMARKS

Applicants are submitting a Supplemental Amendment to their Amendment filed September 27, 2006. Amendments made to the claims are incorporated into the current claims. Claims 1-3, 11, 13-16, 19, 20, 27, 29, 42, and 44 have been amended. New claim 52 has been added. Claims 1-35, 42-46 and 48-52 are pending in the present application and are believed to distinguish patentably over the prior art.

In the Official Action, claims 1, 16, 27, 36, 44 and 50 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Although the Applicants believe these claims comply with the written description requirement, to advance examination, these claims have been amended to remove the term "subsequent". Accordingly, Applicants respectfully request that the objections under 35 U.S.C. §112, first paragraph, be removed.

With respect to prior art, claims were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,760,752 to Liu et al. ("Liu") in view of U.S. Patent No. 6,463,435 to Bergmans ("Bergmans"). The Office Action alleges that the Applicants' invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of Liu and Bergmans.

Claims 3 and 4 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Liu and Bergmans and further in view of U.S. Patent No. 6,047,259 to Campbell et al. ("Campbell"). The Office Action alleges that the Applicants' invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of these references. Claims 14, 15, 40 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Liu and Bergmans in view of the publication entitled "A digital watermark technique based on the wavelet transform and its robustness on image compression and transformation" authored by Inoue et al. ("Inoue"). The Office Action contends that the Applicants' invention as defined by these claims would be obvious to one of ordinary skill in the art in view of the teachings of these references. Applicants respectfully submit that the rejections of the claims in view of the cited references are not appropriate for the reasons set forth below.

According to the Applicants' invention recited in independent claim 1, Applicants provide a computerized method of creating a data message for electronic transmission to a recipient. During the method, at least one medical image file to be included in the data message

is selected. Exchange rights for the recipient are determined. The exchange rights establish actions available to the recipient with respect to handling of the at least one medical image file after the at least medical image file has been received by the recipient. The actions comprise at least one of archiving and forwarding of the at least one medical image file. The at least one medical image file and the exchange rights are bundled to form the data message.

In contrast, Liu discloses a method and apparatus for transferring a message securely from a sender to a recipient over a network and includes at each transfer: creating a message; retrieving the public key of the recipient from an external key server just prior to sending the message; signing the message using the private key of the sender; encrypting the signed message using a public key encryption and the public key of the recipient producing an encrypted signed message; generating an email message addressed to the recipient; attaching the encrypted signed message as an attachment to the email message; and transmitting the email message to the recipient. As the Examiner correctly notes, Liu is ONLY concerned with transmitting a message between parties securely so that only the authorized recipient has access to the message. Once a message has been safely received by the recipient, the recipient is able to handle the incoming message in any manner seen fit to the recipient as Liu provides no handling restrictions on the message. Thus, no exchange rights are included with the message that determines actions available to the recipient with respect to handling of the message. Once received, a recipient of the Liu system is able to handle the message in an unrestricted manner.

Bergmans discloses a digital image processing apparatus which offers, for selection by an operator, at least one digital image data file for the purpose of further handling. After selection of a file by the operator, a check is made as to whether the file is provided with a security code. If a selected file is provided with a security code, the operator is asked to input an access code corresponding to the security code. If the operator inputs the correct access code, the selected file is released for further handling. The access code is maintained to allow the operator an uninterrupted series of selection actions. As a result, the operator only needs to input the access code once to be able to process all of the files. Thus, once a data file has been accessed, a user of the Bergmans system is able to handle the message in an unrestricted manner.

Similar to Liu, Bergmans is concerned with protecting files so that only authorized users can access the content of protected data files. Bergmans, like Liu however, does not place any

restrictions on the authorized users that limit the users' actions with respect to handling of the accessed data files.

Applicants respectfully submit that Liu and Bergmans fail to teach or suggest the Applicants' invention as recited in the claims. Liu is directed to public key encryption and is not concerned with controlling the manner by which a recipient is able to handle a message once received. Bergmans teaches password protection of image files but again, similar to Liu, Bergmans is not concerned with controlling the manner by which a recipient is able to handle a message once the access code is entered. Thus, Liu and Bergmans do **NOT** determine exchange rights that establish actions available to the recipient with respect to *handling of the image file after the image file has been received by the recipient with the actions comprising at least one of archiving and forwarding* as claimed. Rather, in the Liu and Bergmans systems, once a file is accessed by a recipient, the recipient is free to handle the file in any manner. There is nothing in the Liu and Bergmans references to suggest assigning exchange rights to data messages to control the manner by which a recipient is able to handle a message once received. To suggest otherwise is well beyond what Liu and Bergmans teach one of ordinary skill in the art.

Applicants also respectfully submit that neither Campbell nor Inoue, either alone or in combination with Liu and Bergmans, teaches or suggests the Applicants' invention as recited in independent claim 1.

Campbell discloses an interactive method and system for managing physical exams, diagnosis and treatment protocols in health care practice. Physical exam software guides a user through a physical exam, prompting the user for input and dynamically generating context sensitive questions based on prior input. Diagnosis software generates a list of possible diagnoses based on the observations recorded from the physical exam. The user can interactively select a diagnosis by selecting a diagnosis from a rule out list and watching the display as the system dynamic updates the status of unresolved symptoms. The user can also select a treatment protocol, which is integrated with future physical exams. The treatment protocol is integrated such that future exam sessions reflect the status of the treatment protocol and remind the user which services need to be performed and when they should be performed.

Inoue discloses a digital watermark for image signals based on wavelet transform.

Similar to Liu and Bergmans, Campbell and Inoue fail to teach or suggest assigning exchange rights to a data message that establish actions available to the recipient with respect to

handling of the image file after the image file has been received by the recipient with the actions comprising at least one of archiving and forwarding as claimed.

In view of the above, Applicants respectfully submit that independent claim 1 distinguishes patentably over Liu, Bergmans, Campbell and Inoue either alone or in combination and should be allowed. As claims 2-15, 42, 43 and 52 are dependent either directly or indirectly on independent claim 1, which is deemed allowable, Applicants respectfully submit that these claims should also be allowed.

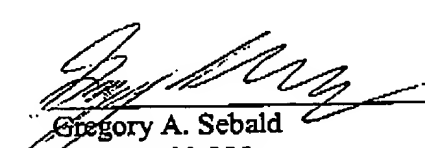
Independent claims 16, 27, 36, 44 and 50 recite features analogous to those recited in independent claims 1 and are therefore believed to distinguish patentably over the cited prior art for the same reasons set forth above. Accordingly, Applicants respectfully submit that these claims and the claims dependent thereon should be allowed.

In view of the above, Applicants respectfully submit that the present application is in order for allowance and action to that end is respectfully requested. If a telephone interview would be helpful in this matter, the Examiner is invited to telephone Applicants' Representative at (612) 336-4728.

Respectfully submitted,

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